

California Architects

a publication of the california architects board

public protection through examination, licensure and regulation

Interview With NCARB President

Shortly after his election, we interviewed NCARB President Peter Steffian to find out his position on several key issues that affect architects in California. We share the questions and Peter's answers to them in the following article.

What are your top priorities as NCARB president this year?

My first priority as NCARB president this year is to review the results of the recently completed practice analysis. We want to evaluate how the practice of architecture has changed and how those changes affect the Architectural Registration Exam. I think we're going to get a very professional insight into how we should react to the changing practice and how we should change our test specifications accordingly.

The other priority we are working on quite vigorously is the final recommendations to come from what we call the Collateral Internship Task Force. That is the task force formed by the five collateral organizations, NCARB, AIA, AIAS, ACSA, and the NAAB, with interns designated to serve on this committee. The committee was formed as a result of an internship summit held in April 1998 to look at the quality of architectural internship. Some of the issues we want to address include how we can make the registration exam more accessible and how to integrate practice into education and education into practice to create a more seamless transition from architectural education to becoming licensed. We need to bring the practitioners more on board during the formal period of education and to have the educators more involved in practice issues.

What do you see as the most difficult challenges facing NCARB in the future?

I think some of the most difficult challenges will have to do with international reciprocity and living up to the



expectations of foreign architects. The United States has entered into international agreements such as NAFTA and the Trans-Atlantic Economic Partnership and, as a result, NCARB is being asked to sit down with member states of the European Union and talk about reciprocity with the United States. We find that, with many of our foreign friends, their rules and regulations for architecture licensure are quite different from what we have in the United States. I think the European countries and Mexico are getting impatient that we're not living up to their interpretations of commitments. On the other hand, I don't think the federal government is asking us to lower our standards.

The standard of education, experience, and examinations in the United States for typical registration is something that we've had for quite some time and it keeps getting stronger. We're making our overall requirements across state lines more stringent, yet many of the foreign friends are working under requirements that are considerably less stringent and that's very hard for our member boards to accept. We have the support of China representatives who actually came to the United States to examine our system of registration and practice, and then set up their program to mirror our own. So we're finding it a lot easier to approve their educational system, their internship program, and their examination, because it's fashioned after ours.

Other challenges?

Although we do many other things, the exam is extremely important to our member boards. We have very strong

CAB Position on NCARB

The California Architects Board (CAB) strongly supports the primary reasons for NCARB's existence, which are to:

- *Develop and maintain a valid national examination (ARE)* ■
- *Facilitate national and international reciprocity* ■
- *Provide services to member boards including development of model laws and regulations* ■

CAB's position on specific current NCARB issues:

Architect Registration Examination (ARE)

NCARB's highest priority should be to keep the ARE current, legally defensible and affordable. To that end, NCARB needs to (1) complete its occupational analysis as soon as possible and update the ARE based on the resultant test plan, (2) review the design sections to determine whether computer grading adversely impacts the quality and cost of the exam, and (3) investigate the need for the current nine sections of the ARE.

Exam Costs

The ARE is currently expensive (\$980). NCARB should (1) examine all possible means to cut costs and reduce the price of the exam, (2) competitively bid as many exam services as possible, and (3) investigate providing more services in house.

Intern Development Program (IDP)

The IDP should be as current, flexible, administratively simple and cost-effective as possible. It should be updated and revised to be consistent with the findings of the new practice analysis. (We listed our specific recommendations in the Summer 2000 newsletter.)

Education

NCARB should continue to offer an alternative to an accredited degree. The broadly experienced architect (BEA) program should be made simpler and less expensive.

Professional Development

NCARB should continue to improve its development of a model for continuing education (CE) that focuses on health, safety, and welfare, and contains an assessment component. Further, it should determine whether existing CE programs are a barrier to reciprocity and if so, seek to eliminate those barriers.

NCARB Governance

As a nonprofit membership organization, NCARB should be dedicated to being cost effective and member oriented. The following policies should be considered:

- Eliminate the Executive Committee, which duplicates the efforts of the council board and does not maintain regional representation.
- Realign the regions to create a balance of representation in terms of licensee populations.
- Adopt a policy to balance representation on NCARB committees between states with small and large licensee populations.
- Examine all meeting locations to determine whether travel, lodging costs, and efficiency can be improved.
- Reduce the cost of annual meetings, which are excessive in terms of registration and cost overruns. The annual meeting can easily be made more timely and cost efficient. The goal should be to encourage attendance and to exchange ideas amongst member boards within a reasonable budget.
- Give member boards input into the budget process. The proposed budget should be available for review and comment.
- NCARB's entire committee structure should be re-evaluated to determine if any committees can be consolidated, eliminated, or restructured.

NCARB Administration

NCARB would benefit from reviewing all management and operational practices, perhaps with the help of an outside consultant.

Interior Design Bill Vetoed

Governor Gray Davis vetoed Assembly Bill 1096 which would have repealed the existing certification program for interior designers and, instead, would have established a new licensing board, the Board of Interior Design, to administer a title act that would limit the use of the term "registered interior designer."

The bill was opposed by the Department of Consumer Affairs, the Department of Finance, the Center for Public Interest Law, Consulting Engineers and Land Surveyors of California, the National Council of Architectural Registration Boards, the Board for Professional Engineers and Land Surveyors (BPELS), and CAB. BPELS and CAB opposed the bill mainly because it did not prohibit registered interior designers from providing engineering or architectural services, which could have adversely impacted the public health, safety, and welfare. Sponsors of the bill had also asserted that proposed changes to the International Building Code (IBC) would preclude interior designers from submitting plans to local building officials, an assertion disputed by the International Conference of Building Officials and the state's building officials.

In his veto message the Governor stated that "this bill creates a new regulatory program for an industry where there is no demonstrated consumer harm. The creation of a new regulatory program and new state agency at a time when the Legislature is eliminating boards and streamlining regulatory programs is inappropriate.

Additionally, this bill does not provide for adequate start-up funding and is unclear as to what, if any, consumer protection would be served. Government intervention in a marketplace should be reserved for cases where there is consumer harm."

Board to Formally Honor Volunteers

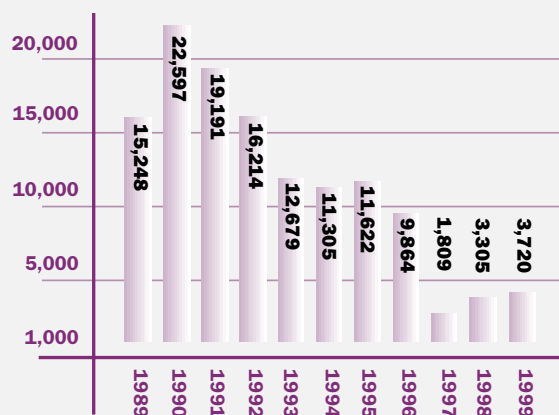
At its September meeting, CAB reaffirmed the importance of the hundreds of dedicated volunteers who annually provide thousands of hours of service administrating the supplemental exam and devoting their efforts to the Board's programs, committees, and task forces. As noted by Board President Marc Sandstrom "without that critically valuable volunteer support the CAB could not function effectively."

To more formally thank all its volunteers, the Board decided to establish an ongoing recognition program. At its December meeting in San Francisco the Board will announce its initial distinguished service honorees and will recognize all its volunteers.

Exam/License Statistics

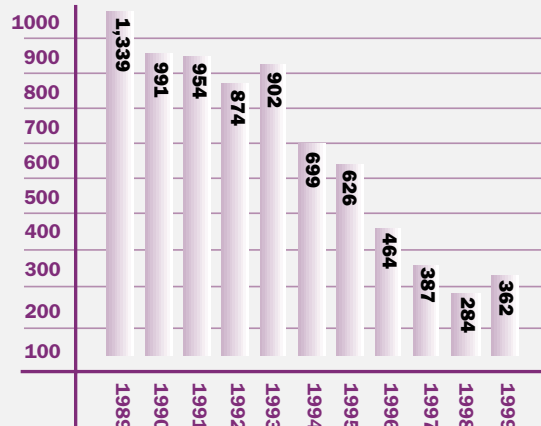
Number of ARE exams taken

Number per calendar year



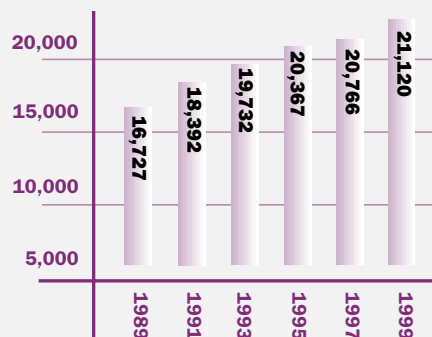
Number of initial licenses issued

Number per calendar year



Number of active licensed architects

Numbers are cumulative, as of January 1 each year at beginning of two-year renewal cycle



Interview *continued*

feelings that we need to keep our examination on the cutting edge and that's an extremely expensive proposition. We switched to a computer exam in 1997, which meant we had to write two exams building up to that. We had to complete the paper exam and then write the computer exam at the same time and get it on line. It changed one of our major activities drastically. We're coming out of it now. But it cost more than we thought it would, and I hope we learned from that.

Now the challenge is to make our examination an interactive one. Though we're computerized, we're still doing a good portion of it with multiple-choice questions. You don't need a computer for that. We want it to be interactive so that the candidate is no longer given four answers to a question, one of which is the correct one. We want people to have to think a little bit more freely, to give a more diagrammatic question where you need to manipulate the components of a building assembly, for instance. They could look at plans of a building and pick out or even correct building code errors, such as doors swinging in the wrong direction, incorrect fire separations between spaces things like that, which are more interactive.

How do you see the Intern Development Program evolving in the future?

The American Institute of Architects and others, including the California Board, have been trying to develop a concept and some detail for a performance and quality-based internship program. Right now we have prescribed a certain number of hours to gain experience in a host of different practice areas. We call that the "bean counting" approach. It was developed to give the intern a tool with an employer to say "I do need a diverse

amount of experience, and I've been doing the same things over and over again for the last six months. I do need to get some other experience." The current program requires a sponsor and a mentoring architect from within or outside the firm. And that has worked; it's a very good step in the right direction.

But the concept of just counting the hours falls short of the ideal; which would be spending time on construction documents, for instance, and showing proficiency gained. In other words, there's a certain level of quality that has passed on through this experience and the candidate has not only had a quality experience, but is now proficient. Our

Now the challenge is to make our examination an interactive one.

thoughts are that the role of the mentor and sponsor becomes increased instead of just certifying that the number of hours in various categories has been accomplished. Somehow we're going to have to figure out how somebody can define the level of understanding of proficiency the intern has to achieve. We need the strong support from our partners, AIA, and its components to make all this work.

What do you see as the direction for mandatory continuing education for architects in the U.S.?

A lot of people are cynical about it. I thought it was a very bold move by the AIA and am sure they've learned a lot in the years since they voted to make it mandatory for continued membership in AIA. NCARB, in response to several of its member boards, has established a very good program of engaging authors to write monographs on various topics we select. We have a committee that reviews those monographs for the relevance to our

profession and the committee also writes a quiz that one needs to take for credit. I've taken five of them myself. I also get credit for time I've spent in seminars through NCARB and through my office. So I'm a believer.

As for NCARB's involvement, though it's come up occasionally, our member boards have not voted to make it mandatory. We have written into our model law a program of continuing education so the states can adopt it and, hopefully, create some continuity of regulations.

Although our membership is different and not as large as AIA, I think the fact that AIA requires continuing education will make it unnecessary for us to eventually require it. Also, state by state, the number of jurisdictions that require continuing education is growing. I think if one is practicing in several states, he or she is going to be required to complete continuing education in at least one state, or by the AIA. It's becoming something that I think will be pretty universal in the United States in the next five years.

Do you see any major impediments to interstate and international practice?

We've discussed the international situation pretty thoroughly. As for interstate reciprocity, we have a couple of jurisdictions that have given us problems with what I would call residency requirements. We find that when somebody from out of state tries to get registered, it's almost impossible. But someone who is a resident of that jurisdiction has no problem at all. Each state has its own ability to establish additional requirements before it gives registration, but it can't require something different from somebody from out of state than it does from a resident. We tell our foreign friends the same thing.

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Interview *continued*

What is your view of the status of architectural education within the U.S.?

In the past, we've said that there's a line between education and practice we're learning now that there shouldn't be. I think, generally, that architectural education is a very superior one. What we're hearing, though, is that the schools need to think more of the actual hands-on issues that a practicing architect needs to deal with, and expose the student to the culture of the practitioner. A lot of the schools say they have so much to teach the students, they don't have time for a lot of professional practice issues. For example, they don't teach building codes, but they will expose them to the idea there are building codes. Many students are disappointed; they finally become seniors, they do their thesis, they graduate, and then they start at the bottom of the heap again as a junior draftsman. Practitioners complain that these new architects don't know anything. Hopefully we can serve our interns better by merging practice and education. We're all in this together and we each have something very strong to offer.

NCARB provides a variety of services to its member boards, certificate holders, and exam candidates. In what area of NCARB services would you most like to see improvement implemented?

Back in 1998, the board went through a strategic planning session with outside consultants. We interviewed, surveyed, and spoke with as many segments of the profession as we could identify to find out what they felt about how NCARB was perceived. From that, we learned that one of our most important missions is to improve service to our stakeholders. It used to take weeks for certain paperwork to turn around, now it just takes a few days.

One problem we see is that our communications with the emerging architects is very poor, because we don't know who they are. If they voluntarily come into the IDP program, we know who they are and can mentor them and nurture them through the system. The schools aren't going to tell us who the graduates are, so we don't have a way of reaching out and finding the future architects so we can help them.

There are still problems scheduling examinations, but we are making improvements. If we have to reschedule something because of computer problems, we do it graciously and make sure there are no additional costs to the candidate. I think our conscience level is high on service to our stakeholders—we're going to continue to make improvements.

What do you see as California's role within NCARB?

California, and I mean this affectionately, is the big gorilla. It represents 20 percent of our membership. California has always participated in NCARB activities. I made a very strong effort this year, as I think people have in the past, to involve the California board members in committees. When that hasn't happened, it's because the committees were full and had continuing members that I didn't want to replace. It's a cyclical thing, every year they're opening up and we'll work hard to keep California involved. Whenever possible, we try to have a board meeting in California.

We see California as generating the largest number of members and certificate holders. We take California very seriously. We have a lot of respect for what California can do for us, and we try very hard to support California along with our other member boards.

NCARB Committee Assignments

NCARB President Peter Steffian has appointed the following California Board members to NCARB Committees for the 2000-2001 year.

- John Canestro to the Building Code Liaison Committee, which participates in code development.
- Gordon Carrier to the Architect Registration Examination (ARE) Specifications Task Force, which is responsible for developing specifications for the content of the new ARE.
- Christine Lampert to the ARE Graphics Division Subcommittee, which develops and improves the graphic vignettes.
- Kirk Miller to the Committee on the Intern Development Program, which oversees all aspects of the IDP.
- Ed Oremen to the Interprofessional Council on Regulations (ICOR) Task Force, which is working to develop a single interprofessional code of conduct, and to the Regional Chairs Committee consisting of the regional conference chairs who review and publish resolutions for the annual meeting.

Mediation First

By Richard D. Crowell

Richard D. Crowell, who is Senior Vice President for DPIC, Inc., has been a member of the Board's Regulatory and Enforcement Committee for 20 years. This article is adapted from DPIC's Contract Guide, A Risk Management Handbook for Architectural, Engineering and Environmental Professionals by Richard D. Crowell and Sheila A. Dixon, DPIC Companies, Inc., 1999.

If an architect is a party to litigation, chances are the case will never get as far as a courtroom.

More than 95 percent of all lawsuits are settled before they go to trial — but often only after years of interrogatories, depositions, counter-suits, legal maneuvering, and mounting legal fees. No wonder parties to disputes often see the litigation process as a frustrating waste of productive time and massive sums of money. It makes one ask: if a dispute will probably end at the negotiating table, why not start there in the first place?

There is a process that allows disputing parties to do just that: *voluntary, non-*

binding mediation. This method helps disputing parties reach agreement among themselves, thus maintaining or reopening communications between the client and design professional. The approach involves an impartial third-party mediator who helps resolve conflicts. By direct and informed negotiation, consultation with each side, and "shuttle diplomacy," the mediator works with (and on) the parties until they are able to reach their own settlement. Unlike arbitration, mediation is usually not binding on the parties; however, if the parties come up with their own solution, they are more likely to carry it out.

If mediation is unsuccessful, the parties can try advisory arbitration, a mini-

trial or another consensual method of dispute resolution. If these methods are not successful, then the parties proceed to an adjudicative form of dispute resolution, in which an impartial third party renders a binding decision — arbitration, or, as a last resort, litigation.

Mediation has been so successful that attorneys are embracing the method. In a 1994 survey on dispute avoidance and resolution within the construction industry, attorneys rated mediation as the most effective method to:

- reduce the time necessary to resolve disputes;
- reduce the cost of dispute resolution;
- identify the strengths and weaknesses of one's case;
- minimize future disputes; and
- open channels of communication on the jobsite.

The AIA 1997 documents call for mediation as a necessary step before arbitration and for providing for mediation in all your agreements, is a worthy goal. Unless you and your client have agreed beforehand to handle conflicts through mediation, you may miss the chance to resolve your differences in this way. It is difficult to explain the benefits of mediation to an angry client and persuade him or her to use it, once someone files a claim or a lawsuit.

There are many other alternatives for dispute resolution. Begin with mediation, however, and call for it in your contracts. Mediation yields good results at a low cost and this is an effective problem-solving device you should include in every contract. Although you need legal representation in most mediation and alternative dispute processes, your legal fees should be substantially less than in a full-blown court or arbitration proceeding. You have everything to gain and nothing to lose by trying the process.

ARE Results Released

Approximately 1,989 California candidates were eligible for the ARE during the first half of 2000. Overall results for examinations taken by California candidates between January 1, 2000 and June 30, 2000 are shown below.

DIVISION	NUMBER OF CANDIDATES	TOTAL PASSED	TOTAL FAILED
Building Planning	229	151 (66%)	78 (34%)
Building Technology	206	147 (71%)	59 (29%)
Construction Documents & Services	227	168 (74%)	59 (26%)
General Structures	201	129 (64%)	72 (36%)
Lateral Forces	165	140 (85%)	25 (15%)
Materials & Methods	271	226 (83%)	45 (17%)
Mechanical & Electrical Systems	205	143 (70%)	62 (30%)
Pre-Design	279	162 (58%)	117 (42%)
Site Planning	206	140 (68%)	66 (32%)

NCARB and the Big Gorilla

President's Remarks by Marc Sandstrom

We have devoted a lot of space in this newsletter to NCARB because of the important, yet sometimes little noticed, role NCARB plays in the regulation of architects both nationally, and now with a growing impact, internationally.

While the new NCARB President Peter Steffian affectionately refers to California as the "big gorilla," there is a sense that many within NCARB view California as a yapping terrier, unnecessarily raising such issues as poor budget practices, resort travel, and elaborately expensive annual meetings. Yes, NCARB has vastly underestimated revenue over the past three years while trying to raise dues and fees. Yes, NCARB has continued to have board and executive committee meetings in remote four-star locations. And yes, the annual meetings continue to go over budget. As a result, some have suggested California just leave NCARB in retaliation for being ignored as just one vote out of 55.

We have chosen a different course. Rather than "taking our ball and going home," we firmly believe that working as a constructive force within NCARB is by far the best current option for the following reasons:

1. NCARB provides a national exam that is a critical element in determining whether a candidate has the ability to practice architecture. Our Board members have provided and will continue to provide hundreds of hours insuring that the ARE exam is always current and truly reflects current practice.
2. NCARB provides a national intern development program, which offers a uniform method for insuring that candidates have been exposed to essential practice areas during their three years of training. Again, our Board members have devoted and will continue to devote countless hours trying to improve that intern development program.
3. Finally, NCARB offers a vehicle to avoid the balkanization of architectural practice. True practice mobility cannot exist without a method to encourage national and, ultimately, international standards for licensure that permit reciprocity.

We are pleased, as reflected in Peter Steffian's interview, that NCARB, under his leadership, endorses these priorities.

California will continue its efforts to work with and within NCARB as a responsible member board raising the tough issues—not to obstruct or denounce, but to encourage and improve NCARB.



New Code Pamphlet Available

A pamphlet on significant changes to the 1997 **Uniform Building Code** (UBC) was published by the International Conference of Building Officials (ICBO) in cooperation with the California Architects Board (CAB). CAB sent copies to all California-licensed architects in July. Copies were also sent to California building departments, AIA chapter offices, and other state boards.



This particular publication is not available on the CAB Web site. However, you can find copies of the following CAB publications at www.cab.ca.gov. Many of the publications are available as .pdf files that can be viewed and downloaded directly from the Web site. You may also order them free by contacting CAB at (916) 445-3394.

Available publications include:

- Consumer's Guide to Hiring an Architect
- 2000 Architects Practice Act
- Candidate's Handbook
- Table of Equivalents
- The Practice of Architecture in California (Report on the 1998 Analysis of Architectural Practice)
- Trends in Practice Report
- Focus Group Meetings Report
- Survey of California Architectural Internship



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Enforcement Actions

The CAB is responsible for receiving and screening complaints against licensees and performing some of the investigation into these complaints. The Board also retains the authority to make final decisions on all enforcement actions taken against its licensees.

Included below is a brief description of recent enforcement actions taken by the Board against its licensees and unlicensed persons who were found to be in violation of the Architects Practice Act.

Every effort is made to ensure that the following information is correct. Before making any decision based upon this information, you should contact the Board. Further information on specific violations may also be obtained by contacting the Board.

Citations

DARRELL A. CARAWAY (Oakland) The Board issued an administrative citation to Darrell A. Caraway, architect license number #C-22295, for a violation of Business and Professions Code section 5536.22 (Written Contract). The action was taken based on evidence that Mr. Caraway began providing professional services before a written contract was executed. Mr. Caraway provided the client with "Pre-Design Phase" services at which time the client paid a total of \$262.50 for these services. Upon the client's request to terminate further services, Mr. Caraway forwarded an e-mail message requesting an additional \$600 and continued to provide programming services, review of community-based design criteria and assistance in the selection of consultants to the client. The client requested Mr. Caraway provide an invoice explaining the additional \$600 fee, however, Mr. Caraway failed to do so.

JOHN ALLAN VRTIAK (Santa Barbara) The Board issued an administrative citation that included a \$2,000 civil penalty to John Allan Vrtiak, an unlicensed individual, for violations of Business and Professions Code sections 5536(a) and (b) (Practice Without a License or Holding Self Out as Architect) and California Code of Regulations section 104 (Filing of Addresses). This action was based on evidence that Mr. Vrtiak unlawfully prepared plans and affixed a stamp to plans, used a title block with his name and the term "architect." He also listed his name under the Architects heading in the telephone directory, which falsely represented to the public that he was licensed by the state of California as an architect when in fact his license had expired in 1989. The Board's investigation revealed that after Mr. Vrtiak's license expired, he: 1) prepared and affixed his architect stamp on design plans for two exempt projects in California, 2) submitted a plan sheet to the Building Department with a title block which read "John A. Vrtiak architect," 3) listed his name under the Architects heading in the 1999 Santa Barbara Yellow Pages telephone directory, and 4) failed to notify the Board of a change of address. Mr. Vrtiak paid the civil penalty, satisfying the citation.

TO GET IN TOUCH WITH US

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